

EXECUTIVE OFFICER SUMMARY REPORT
December 10, 2003

ITEM: 7

SUBJECT: **PUBLIC HEARING:** Modification to Cease and Desist Order No. R9-2003-0086 Against The City of San Diego For the San Diego Convention Center Groundwater Extraction Discharge to San Diego Bay to Establish Compliance With Waste Discharge Requirements Order No. R9-2003-0050 NPDES No. CA0109029 (tentative Addendum No. 1 to Cease and Desist Order No. R9-2003-0086) (*Sherrie Komeylyan*)

PURPOSE: To hear testimony from staff, the discharger, and the public whether the Regional Board should adopt tentative Addendum No. 1 to Cease and Desist Order No. R9-2003-0086 (CDO). The tentative Addendum would, if adopted, eliminate the compliance date and add a new Directive requiring implementation of a Remedial Action Work Plan once the discharge violates the effluent limitations for copper and/or toxicity contained in Order No. R9-2003-0050.

PUBLIC NOTICE: A public notice published in the San Diego Union Tribune on November 7, 2003 served as the 30-day official public notification for this action, as required by Title 40, section 124.10 of the Code of Federal Regulations. The tentative Addendum was mailed on November 7, 2003 to the discharger and all known interested parties and agencies for review and comment. Also, public notification for this item was provided via the Regional Board Agenda Notice for today's meeting. The Agenda Notice was mailed 10 days in advance of today's meeting and has also been posted on the Regional Board's web site. Copies of the tentative Addendum have been made available for public review at the San Diego Regional Water Quality Control Board office as of November 7, 2003.

DISCUSSION: Tentative Addendum No. 1 to Cease and Desist Order (CDO) No. R9-2003-0086 will eliminate the compliance date of December 31, 2003, and add a new Directive requiring implementation of a Remedial Action Work Plan once there is a violation of the effluent limitations for copper and/or toxicity contained in Order No. R9-2003-0050.

The modifications are necessary because the existing CDO directs the City to implement a Remedial Action Work Plan and to achieve compliance with Order No. R9-2003-0050 by December 31, 2003. The City has been in compliance with Order No. R9-2003-0050 since its adoption in March 2003. The City has submitted a 27-month long Remedial Action Work Plan that will be implemented once there is a violation of the effluent limitations for copper and/or toxicity. The Remedial Action Work Plan describes the necessary steps the City will take to achieve compliance with those limitations.

The attached Staff Report, dated November 26, 2003, for this Item provides further information on the permitting, compliance, and enforcement history for the discharge of extracted groundwater from the San Diego Convention Center to San Diego Bay.

As of November 26, 2003, the Regional Board has not received any written comments on the tentative Addendum.

LEGAL CONCERNS:

None

SUPPORTING DOCS:

1. Location Map
2. Facility Diagram
3. Tentative Addendum No. 1 to Cease and Desist Order No. R9-2003-0086
4. Cease and Desist Order No. R9-2003-0086
5. Staff Report

RECOMMENDATION:

Adopt tentative Addendum No. 1 to Cease and Desist Order No. R9-2003-0086.